

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
STACEY STANTON,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 04-10751-NG
v.)	
)	
METRO CORP.,)	
)	
Defendant.)	
_____)	

FINAL ASSENTED-TO MOTION TO EXTEND TIME
TO RESPOND TO AMENDED COMPLAINT

Defendant Metro Corp. hereby moves to extend the time within which it may answer or otherwise respond to the plaintiff's Amended Complaint up to and including June 7, 2004.

The plaintiff Stacey Stanton, through her attorney, has assented to this motion.

As grounds for this motion, the defendant states as follows:

1. On June 2, 2004, defendant's counsel moved (with plaintiff's assent) for two additional days' time, until June 4, 2004, to finalize the motion to dismiss the Amended Complaint and supporting memorandum.
2. On June 4, 2004, defendant's counsel became aware of a very recent decision of this Court on an issue very similar to those raised by plaintiff's Amended Complaint, and deemed it important to address the recent case in the memorandum. See Albright v. Morton, No. 02-11458, slip op. (D. Mass. May 28, 2004) (Gertner, J.) (pursuant to Rule 12(b)(6), dismissing defamation, invasion of privacy, and other claims arising out of erroneous photo caption that plaintiff claimed impugned his sexuality).

3. Counsel regrets that he was unsuccessful in completing the memorandum prior to the Court's filing deadline on Friday, June 4. Defendant's counsel attempted to call plaintiff's counsel that day, but plaintiff's counsel was not available to return the call that day. Counsel filed the motion to dismiss and supporting memorandum electronically with the Court on Sunday, June 6, 2004, and served plaintiff by first-class mail to her counsel that same day.

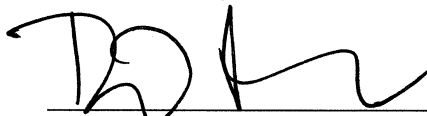
4. Defendant respectfully submits that plaintiff will not be prejudiced in any way by the allowance of this motion. Very likely, plaintiff's counsel (who is not enrolled for electronic filing and notification) will receive (or will have received) the service copy of the motion and memorandum on the same day as if it had been mailed on Friday, June 4, 2004.

5. Counsel to the plaintiff has assented to this motion. Defendant's counsel will, of course, extend reciprocal courtesies.

WHEREFORE, the defendant requests up to and including June 7, 2004 to answer or otherwise respond to plaintiff's Amended Complaint.

METRO CORP.

By its attorneys,



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Assented to:

STACEY STANTON

By her attorney,



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Dated: June 8, 2004